

STATE COORDINATING COMMITTEE ON GROUND WATER

Ohio Environmental Protection Agency
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Columbus, Ohio 43215-1099

Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224-1387

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Ohio Department of Development
77 South High Street
Columbus, Ohio 43266-0413

Ohio Department of Transportation
25 South Front Street
Columbus, Ohio 43215

TO PROMOTE AND GUIDE THE IMPLEMENTATION OF A COORDINATED, COMPREHENSIVE AND EFFECTIVE GROUND WATER PROTECTION AND MANAGEMENT PROGRAM FOR THE STATE OF OHIO

March 19, 1998

Ohio EPA

Ohio Department of Natural Resources
Building D, 3rd Floor Conference Room

ABSTRACT

The March 19th meeting was sparsely attended because so many staff were involved with the GSA Conference at OSU. The meeting was shorter than usual, and was devoted to agency updates and announcements and Work Group updates.

ATTENDANCE

OEPA: Tom Allen, Larry Antosch, Michael Baker, Barb Lubberger

ODNR: Scott Kell

ODA: Larry Berger

ODH: John Wells

USGS: Jeff deRoche

PUCO: Sue Daly

NRCS: John Armentano

FEBRUARY MEETING SUMMARY

The February meeting summary was approved as written.

AGENCY UPDATES AND ANNOUNCEMENTS

OEPA, Division of Drinking and Ground Waters, Larry Antosch announced:

- 1.) A letter soliciting FFY '99 proposals for nonpoint source watershed implementation and ground water projects was issued February 23, 1998. [Larry distributed copies]

- 2.) The Division is distributing a new publication titled "Six Keys to Success", which evaluates completed projects supported under the 319 Program, and summarizes elements that appear to be keys to success, based on the first two years of funding. For example, it was learned very early that a program developed locally has a much greater chance of success than one developed by Ohio EPA staff in Columbus.

One SCCGW member asked how “success” is defined in this document. Larry said it was defined as completing everything that was planned, i.e., meeting all the planned objectives. He said the Division samples surface water sites on a 5-year cycle and is only now starting to obtain data for evaluating the actual environmental benefits of a project.

- 3.) The Division is in the process of hiring a new Division Chief. In the meantime, John Sadzewicz continues as Acting Chief as well as Deputy Director of Water Programs.
- 4.) The Division has initiated a joint project with the Division of Drinking and Ground Waters to develop and implement Ohio’s Source Water Protection Program. The Division will focus on assessments for public water systems using surface water.
- 5.) A workgroup has been formed to develop a process to identify the total daily maximum load that represents compliance for a given stream section, then develop management plans to bring the stream into compliance by reducing loads to that level. This effort has traditionally been point-source based, but the workgroup plans to expand it to also address nonpoint sources.
- 6.) If the Clinton Administration’s Clean Water Action Plan is implemented, Ohio’s 319 Program should be eligible for approximately \$6 million in 1999--twice the amount received in past years.* However, Congress has not yet acted on this initiative.

ODH, John Wells announced:

- 1.) In soliciting comments on the Private Well Systems Program legislation, the agency has held over 27 meetings around the state, with over 100 sanitarians representing 71 of the 88 counties. ODH staff are hoping to revise the legislation to address the numerous comments received, and make it available for review soon. Comments on the revised draft should be forwarded to John or Rebecca Petty.

OEPA, Division of Drinking and Ground Waters, Tom Allen and Mike Baker announced:

- 1.) The Division’s long-range goals and strategies and Annual Plan for FY’99 will be available within a week or so.
- 2.) The Dayton Ground Water Festival will be held in May, during National Drinking Water Week. Tom will provide more information in April.
- 3.) Staff have already started planning for the Farm Science Review, to be held in September.
- 4.) Ohio’s Source Water Assessment and Protection Program continues to be developed through monthly meetings of the Technical Advisory Committee and various Public Advisory Groups.

*Background: The Clean Water Action Plan is a document commissioned by Vice President Gore in 1997 and created by U.S. EPA and the U.S. Department of Agriculture, working with a number of federal agencies and the public. It proposes a cooperative approach to watershed protection, along with new initiatives to reduce public health threats, strengthen polluted runoff controls--with a focus on nonpoint sources--and make water quality information more accessible to the public. The Action Plan forms the core of President Clinton’s Clean Water Initiative in which he proposed \$568 million in new resources in his FY 1999 budget to carry it out.

- 5.) A national environmental action group called Clean Water Action will be sponsoring two meetings in Ohio during March: one in Columbus on March 27th and another in Toledo on March 28th. The objective of these meetings is to encourage Ohioans to get involved with clean water initiatives.

Cynthia Daugherty, Director of U.S. EPA's Ground Water and Drinking Water Program, will be attending.

NRCS, John Armentano announced:

- 1.) Danny Sells has been named Associate Chief of NRCS. The organization has been restructured recently, but it is anticipated that the state structure will not change significantly.

ODA, Pesticides Section, Larry Berger announced:

- 1.) The tower for ODA's Global Positioning System base station has been constructed.
- 2.) Recently the *Columbus Dispatch* ran a news release that the Columbus Division of Water will start sampling its water for phosphorus, in response to concerns over effluent (in the Scioto River) from a large egg farm located near Marion.

USGS, Water Resources Division, Jeff deRoche announced:

- 1.) A report has been completed on ground water levels at flood stage in Dayton, Ohio. A formal report on computer modeling that was completed as part of this project will be out in 4-5 months.

PUCO, Sue Daly announced:

- 1.) The Ohio Water Resources Council has made available results from two surveys conducted by the University of Cincinnati to gauge Ohioans' opinions about water issues in Ohio. The first was a mail-out survey to water policy professionals and stakeholders, and the second was a telephone survey (called the "Ohio Poll") which was a random sampling. The full report can be obtained by calling Sue or the Ohio Water Resource Council's office. Quality of drinking water was listed as a major concern in these polls.
- 2.) In California, private water companies using contaminated aquifers are being targeted for litigation by attorneys and legal associations. Personal injury lawyers are taking out full-page ads in newspapers, seeking plaintiffs who will pay the legal firm to join a suit claiming that they have been harmed under tort law (for early deaths and cancer) by public drinking water. The four suits that have been filed so far target only investor-owned water companies. Municipal public water systems that draw water from the same contaminated aquifers are not being targeted so far.

This movement is of concern to private water companies around the country, and also is of interest to policy-makers, as it seems the courts are considering such claims of injury valid even where the water company has consistently met all the MCLs.

- 3.) A conference of the National Association of Regulatory Utility Commissioners was held recently in Washington, D.C. The Association is trying to form regional teams/liaisons between the Association and U.S. EPA, to work on the state Intended Use Plans. Sue will be the representative to Region V, and will assist with capacity development and managerial/administrative issues.

WORK GROUP UPDATES

State Management Plan for Pesticides (SMP)

Larry Berger reported that he revised the vulnerability assessment portion of the draft generic Plan, incorporating USGS's mapping efforts. The revision was sent to U.S. EPA-Region V's Pesticide Section. After the document has been further revised, it will be offered for public review.

Non-point Source Management Plan

A Nonpoint Source Management meeting will be held March 23rd at ODNR. The Task Teams have been formed and many of them have met already. Mike Hallfrisch is the leader for the Ground Water Task Force. Jill Evans, with ODNR's Division of Soil and Water Conservation, is the overall project leader.

Farm*A*Syst

The Fact Sheet authors met in February. At this point, all but two have turned in first drafts.

MISCELLANEOUS

One member asked if the Spill Prevention Control and Countermeasures rules were being updated. Tom Allen promised to try to find out and report back.

Note: About a week after the March SCCGW meeting, Vladimir Cica, with Ohio EPA's Division of Solid and Infectious Waste Management, provided a copy of the Siting Team's Scoping Report to the Information Coordinator. This report is attached to the meeting summary, for review by SCCGW members. Vladimir will attend the April SCCGW meeting to discuss any questions or comments on this report.

APRIL AGENDA

The next SCCGW meeting will be held April 16th at ODNR, Building D, third floor. The meeting will focus on updates and announcements. No presentations are planned.

HAND-OUTS

- 1.) DSW's Feb. 23rd letter soliciting FFY'99 Nonpoint Source grant proposals.
- 2.) Summary of Results from Ohio Water Resources Council's survey
- 3.) *6 Keys to Success: Evaluation of Selected Clean Water Act Section 319 Watershed Projects in Ohio*

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TO PROMOTE AND GUIDE THE IMPLEMENTATION OF A COORDINATED, COMPREHENSIVE AND EFFECTIVE GROUND WATER PROTECTION AND MANAGEMENT PROGRAM FOR THE STATE OF OHIO

April 16, 1998
ODNR - Fountain Square
Building D, 3rd Floor Conference Room

8:30 - 8:35 am	CALL TO ORDER -Introductions
8:35 - 8:40 am	MARCH MEETING SUMMARY
8:40 - 10:20 am	AGENCY UPDATES AND ANNOUNCEMENTS -Legislation/Rules/Policies -Program Developments/Organizational Changes/New Hires -Miscellaneous
10:20 - 10:30 am	BREAK
10:30 - 10:45 am	WORK GROUP UPDATES
10:45 - 10:55 am	MISCELLANEOUS
10:55 - 11:00 am	MAY SCCGW MEETING AGENDA
11:00 am	ADJOURN

H.B. 473 - SITING CRITERIA WORKGROUP

Team Leaders

Lindsay Taliaferro III, CO-DDAGW

Vladimir Cica, CO-DSIWM

Team Members

Northwest District	Southwest District	Central Office	Northeast District	Southeast District
Mike Beal, DDAGW	John McGinnis, DDAGW Daniel Garcia, DSIWM	Chris Hunt, DSIWM	Lynn Sowers, DSIWM Jerry Parker, DSIWM John Schmidt, DSIWM Beiwen Dai, DDAGW	Sudha Brown, DSIWM

Introduction

March 24, 1998

ORC 119.032 (HB 473, effective September 26, 1996) requires that, every five years, all state agencies must review their rules and determine if they should be revised, left unchanged, or rescinded. The process consists of an internal agency review, with considerable input from interested parties, as well as a hearing before the General Assembly's Joint Committee on Agency Rule Review (JCARR). The Division of Solid and Infectious Waste Management (DSIWM) completed the first step by outlining a five year schedule identifying which rules will be reviewed in each of the next five years.

The next step in the review process is the formation of the workgroups which consists of DSIWM Central and District Office personel. The workgroup's first task is to generate a "Scoping Report". This report will 1) establish the time lines that the rule review process must follow to meet the deadlines, 2) discuss the composition and possible use of focus groups, 3) establish boundary conditions that must be followed, and 4) list the major issues identified by the workgroup.

The reviews will not be superficial exercises but will be utilized to perform in-depth program and regulatory evaluations involving a great deal of public input. DSIWM will try to use this process to address some of the fundamental components of our regulatory scheme, and we open the door for the public and regulated communities to provide input to us and JCARR on what elements of our regulations they feel are redundant, inconsistent, unnecessary, and overly inflexible. In addition, we will use the opportunity to revise our regulations in ways that further the goals and strategies identified in our strategic plan. The reviews will be quite involved. For some rule packages we anticipate a two or three year process. This particular rule package is expected to take a long period of time, as outlined in the attached timeline. The review may include internal data collection, process planning, and proposal drafting, a full year of focus groups, training sessions, and other public input activities, and 6 months of rule drafting. This

is all prior to the "official" rule filing process. Of course, this will depend on the size, complexity, and controversy of the rule package and proposed changes to the rules.

ORC 119.032 (H.B. 473) requires that all rules be reviewed utilizing specific "criteria" outlined in the statute. In addition to these criteria, DSIWM has committed to incorporate into the review process criteria that support division goals as expressed in the our strategic plan. However, as with all rule development or revision exercises, certain assumptions underlie the process. Foremost, we are bound by the statute that authorizes the rule. The statute may place very clear limits on what we **can** do, or may place clear mandates on what we **must** do. (Part of our objective in doing the rule reviews is to identify where the statute creates barriers that limit the efficiency or effectiveness of our programs). Secondly, although the criteria will be the focus of our rule reviews, our rules are designed to further the overall mission of the agency, as expressed in ORC §3745.01, §3745.011 and our mission statement:

To protect human health and the environment through responsible regulation supported by sound science, quality service, and comprehensive environmental education.

Given these underlying assumptions, the criteria listed below will be used as the basis of our analysis during the rule review process.

ORC § 119.032 RULE REVIEW CRITERIA

Prior to the review date of a rule, the agency that adopted the rule shall review the rule to determine all of the following:

- Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted; and
- Whether the rule needs amendment or rescission to give more flexibility at the local level; and
- Whether the rule needs amendment or rescission to eliminate unnecessary paperwork; and
- Whether the rule duplicates, overlaps with, or conflicts with other rules; and
- In making the review...the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.

DSIWM'S ADDITIONAL RULE REVIEW CRITERIA:

The following criteria are not expressed directly in ORC 119.032, but are part of DSIWM's strategic goals and strategies. Therefore, these criteria **must** be used when conducting the rule review.

- Can we provide more flexibility for the regulated community? and
- Can we enhance public participation and provide more convenient or more flexible options for interaction with the general public? and
- Have we considered all relevant cost issues, both the cost to implement the regulation and the cost to the regulated community, and tried to minimize them whenever possible? and
- Is the rule achieving what it set out to accomplish when it was originally written? and

OTHER RULE REVIEW CONSIDERATIONS:

The following are not "criteria" per se, but are additional questions that should be asked during the rule review process. These questions cover a variety of issues, some of which are part of DSIWM's strategic plan, and some of which are agency-wide initiatives.

- Have we incorporated pollution prevention concepts and incentives into the rules whenever possible? (Utilize the Office of Pollution Prevention) and
- Have we considered the level of environmental protection that is actually needed, and matched the rule requirements accordingly? Have we compared the requirements to other rules within the division and the agency, and is there a rational hierarchy of perceived environmental threat and accompanying regulatory requirement? and
- Is the rule enforceable, in a practical sense? and
- Are the rules understandable? Can the rule be simplified, or can the language be simplified or reorganized to increase the level of understandability? and
- Have we considered multimedia issues and removed roadblocks to multimedia permitting and compliance whenever possible? and
- Have we considered the multiple use of facilities? Have roadblocks to multiple uses of facilities been removed whenever possible. Does it make sense to incorporate incentives for multiple use? and
- Do we have the available resources to implement the rule? If we are not the implementing agency, does the implementing agency have the necessary resources?

THE NEXT STEP:

HB 473 Siting Criteria Workgroup
Introduction (3/24/98)
Page 4 of 4

Attached is the Siting Workgroup's Scoping Report. This document has already been reviewed and approved by DSIWM's Rules Committee, and it has been sent out to interested parties for their review. After review, please send any comments on the Scoping Report to:

Ohio Environmental Protection Agency
Division of Solid and Infectious Waste Management
Attn: Vladimir Cica
P.O. Box 1049
Columbus, Ohio 43216-1049

All comments received will be evaluated for incorporation into the Scoping Report. This revised report will act as a blueprint for the rest of the rule review process.

H.B. 473 - SITING CRITERIA WORKGROUP

Team Leaders

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Team Members

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DRAFT Scoping Report

March 24, 1998

1. PROPOSED TIME LINES

Proposed Major Milestones

- Scoping report to Rules Committee: January 30, 1998
- Concept papers to Rules Committee: July 31, 1998
- DRAFT rules to Rules Committee: December 1, 1998
- Rule package to Director: June 17, 1999
- Rule package to JCARR: September 9, 1999

For the complete list of proposed milestones, please see the time sheet attached at the end of this report.

2. PROPOSED FOCUS GROUP COMPOSITION

What is a focus group?

A Focus Group is an external group of people to discuss a very specific issue. Their responsibilities include gathering information, offering suggestions and making several recommendations to the Siting Workgroup. Final decisions will be made by the Siting Workgroup with possible input from Rules Committee.

Who could be on a Focus Group?

- Facility owners/operators
- Solid waste industry
- Local municipalities
- Environmental groups
- Other public groups
- Consultants
 - Other state agencies
 - Solid waste management districts
 - Health departments
 - Other Ohio EPA personnel

Focus Group size should be limited to approximately 10 people. Who exactly is in the group will depend on the specific issue. But, all attempts will be made to create a balanced group with several different perspectives.

When and why would the Siting Workgroup use Focus Groups?

- To assist when the siting workgroup has unresolved issues
- To assist the siting workgroup to consolidate concepts
- To assist the siting workgroup when a consensus decision is made to seek an outside opinion or viewpoint on a specific issue.
- To assist the siting group, after the concept papers are issued, to discuss heavily polarized issues.

How will the groups be managed?

- The siting workgroup will present very specific questions and/or issues to the selected group.
- The type of work product and boundaries conditions that the focus group must work within will be clearly identified prior to beginning.
- Once several recommendations are made, they will be presented to the siting workgroup for review.

3. PROPOSED MAJOR FOCUS ISSUES

The following is a list of issues that only the Siting Workgroup generated. The list does NOT include other issues that external parties may have identified. External issues will be taken into consideration and added once the Siting Workgroup receives and evaluates the comments generated from review of this Scoping Report by the interested parties.

Please be aware that, unless specifically stated, the following issues pertain to the municipal solid waste rules and their equivalent rules found in the industrial, residual, and scrap tire programs. See the boundary conditions for specific rule references.

RULE SPECIFIC ISSUES.

OAC 3745-27-07(H)(1) "Additional criteria for approval...Siting criteria...**NATIONAL PARKS, NATIONAL RECREATION AREAS, AND STATE PARKS.** The limits of solid waste placement of the sanitary landfill facility are not located in any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA: (a) National park or recreation area; or (b) Candidate area for potential inclusion in the national park system; or (c) State park or established state park purchase area; or (d) Any property that lies within the boundaries of a national park or recreation area but that has not been acquired or is not administered by the secretary of the United States

department of the interior. If the sanitary landfill facility is located within a park or recreation area and exclusively manages wastes generated within the park or recreation area, this paragraph shall not apply."

- This paragraph does not specify a set back distance. Should the group create one?
- Should the group include additional park classifications in this paragraph?
- Should the group include "unless deemed acceptable to the director" language in this paragraph?

OAC 3745-27-07(H)(2)(a) "Additional criteria for approval...Siting criteria...Ground water aquifer protection...**SAND/GRAVEL PIT**. The sanitary landfill facility is not located in a sand or gravel pit where the sand or gravel deposit has not been completely removed."

- The definition of "sand or gravel pit" states that these operations apply to this paragraph only if they are commercial operations. Since this definition does not seem to be technically based, should the group expand the scope to include all sand/gravel excavating operations?
- Should the group define "completely removed"?
- In the majority of situations, if the applicant is proposing to site a landfill in a sand/gravel pit, they will likely be in violation of at least one of the following siting criteria: the isolation distance, 100 g.p.m. aquifer, and sole source aquifer criteria. In the event that the facility does meet all the other criteria except the sand/gravel criteria, there is no technical basis to deny the application. This criteria appears to be either redundant or unnecessary. Should the group delete this criteria?
- If the pit is reclaimed, then it is no longer defined as a sand/gravel pit. Should this paragraph be re-worded to prohibit siting landfills in reclaimed pits, also?
- If landfills are not prohibited in reclaimed pits, should the group create construction specifications for any material used in reclamation (i.e engineered fill)?
- If time-of-travel calculations are necessary, should the Agency allow migration through the engineered fill to be used in the calculation?
- Should the group include "unless deemed acceptable to the director" language in this paragraph?
- Instead of including "unless deemed acceptable to the director" language, should the group incorporate policies and guidances into this paragraph?
- This paragraph does not allow for engineering fixes, (ex. allow siting in a sand/gravel pit if the landfill is double lined). Should the group consider including language if an appropriate engineering solution exists?

OAC 3745-27-07(H)(2)(b) "Additional criteria for approval...Siting criteria...Ground water aquifer protection...**LIMESTONE/ SANDSTONE QUARRY**. The sanitary landfill facility is not located in a limestone quarry or sandstone quarry, unless deemed acceptable by the director."

- The definitions of "limestone quarry" and "sandstone quarry" state that these operations apply to this paragraph only if they are commercial operations. Since this definition does not seem to be technically based, should the group expand the scope to include all limestone/sandstone excavating operations?
- In the majority of situations, if the applicant is proposing to site a landfill in a limestone or sandstone quarry, they will likely be in violation of the isolation distance criteria. In the event

that the facility does meet all the other criteria except the limestone or sandstone quarry, there is no technical basis to deny the application. This criteria appears to be either redundant or unnecessary. Should the group delete this criteria?

- If the quarry is reclaimed, then it is no longer defined as a limestone or sandstone quarry. Should this paragraph be re-worded to prohibit siting landfills in reclaimed quarries, also?
- If landfills are not prohibited in reclaimed quarries, should the group create construction specifications for any material used in reclamation (i.e engineered fill)?
- If time-of-travel calculations are necessary, should the Agency allow migration through the engineered fill to be used in the calculation?
- This paragraph currently contains "unless deemed acceptable to the director" language. Should the group remove it and incorporate policies and guidances into the rule?
- Some quarries are similar to other mining strip pits which are not covered by this rule. Should the group expand the scope of this paragraph to prohibit siting a landfill in these other strip pits?
- This paragraph does not allow for engineering fixes, (ex. allow siting in a limestone/sandstone quarry if the landfill is double lined). Should the group consider including language if an appropriate engineering solution exists?

OAC 3745-27-07(H)(2)(c) Additional criteria for approval...Siting criteria...Ground water aquifer protection...**SOLE SOURCE AQUIFER**. The sanitary landfill facility is not located above an aquifer declared by the federal government under the "Safe Drinking Water Act" to be a sole source aquifer prior to the date of receipt of the permit to install application by the Ohio EPA.

- Some sole source aquifer areas are overlain by significant thicknesses of low permeability in-situ materials. Technically, this situation may actually be more desirable than other situations where a landfill meets all the siting criteria. Should the group allow for more flexibility and establish specifications in this paragraph to allow siting a landfill over a sole source aquifer?
- This paragraph only applies to areas specifically designated by the USEPA. It does not include other aquifers that may be interconnected with the sole source aquifer. Siting a landfill over an aquifer interconnected with a sole source may be just as detrimental as siting the landfill over the sole source aquifer itself. Should the group broaden the scope of this paragraph to prohibit siting a landfill over aquifers interconnected with the sole source aquifer, also?
- Should the group limit the scope of this paragraph to just Class I Great Miami aquifer classification?
- This paragraph does not specify which side of the designation line found on county level maps of a sole source aquifer is considered the boundary. Should the group include these specifications?
- This paragraph does not specify a set back distance. Should the group create one?
- In the majority of situations, if the applicant is proposing to site a landfill over a sole source aquifer, they will likely be in violation of at least one of the following siting criteria: the isolation distance and 100 g.p.m. aquifer criteria. In the event that the facility does meet all the other criteria except the sole source aquifer, the denial would be based solely because the landfill is over an area delineated by the USEPA as a sole source aquifer. The criteria used to delineate the area is not entirely known and may not be technically based. This criteria may be redundant or unnecessary. Should the group delete this criteria? If so, should the group replace this paragraph with USEPA's decision criteria?

- Should the group include "unless deemed acceptable to the director" language in this paragraph?
- Instead of including "unless deemed acceptable to the director" language, should the group incorporate policies and guidances into this paragraph?
- This paragraph does not allow for engineering fixes, (ex. allow siting over a sole source aquifer if the landfill is double lined). Should the group consider including language if an appropriate engineering solution exists?

OAC 3745-27-07(H)(2)(d) Additional criteria for approval...Siting criteria...Ground water aquifer protection...**ONE HUNDRED GPM AQUIFER.** The sanitary landfill facility is not located above an unconsolidated aquifer capable of sustaining a yield of one hundred gallons per minute for a twenty-four-hour period to an existing or future water supply well located within one thousand feet of the limits of solid waste placement of the sanitary landfill facility, unless deemed acceptable by the director.

- Currently, there are guidance documents pertaining to this paragraph. Should the group incorporate them into this paragraph?
- This paragraph does not include consolidated aquifers. These aquifers may be just as vital as unconsolidated aquifer. Should the group broaden the scope of this paragraph to include consolidated aquifers?
- This paragraph does not specify a set back distance from the aquifer. Should the group creating one?
- This paragraph does not address how the aquifer is currently used, or unused. If a landfill is proposed to be sited over an unused 100 gpm aquifer, a legitimate argument may be presented to allow this. Should the group incorporate "use" criteria in this paragraph?
- This paragraph does not address any aquitards that may exist above the aquifer. An aquitard would essentially prevent contaminants from entering the 100 gpm aquifer. Should the group incorporate criteria in this paragraph?
- The paragraph does not specify how a 100 g.p.m. yielding system is actually determined. Should the group incorporate criteria into the paragraph to address this?
- This paragraph does not allow for engineering fixes, (ex. allow siting over a 100 g.p.m. aquifer if the landfill is double lined). Should the group consider including language if an appropriate engineering solution exists?
- This paragraph may be too broad. A large number of 100 g.p.m. aquifers exist in the state, more than previously thought. Application of this criteria may be too restrictive. Should the group narrow the scope of this paragraph to buried valley aquifer that yield 100 g.p.m.?
- This paragraph does not address combined aquifers systems (consolidated/unconsolidated) where most of the water comes from the consolidated portion of the aquifer. Should the group broaden the scope of this paragraph to include this situation?
- The current paragraph states that a "facility" may not be located over a 100 gpm aquifer. Should the group reword the paragraph to say that the "limits of waste placement" may not be located over the 100 gpm aquifer.
- This paragraph currently contains "unless deemed acceptable to the director" language. Should the group remove it and incorporate policies and guidances into the rule?

OAC 3745-27-07(H)(2)(e) Additional criteria for approval...Siting criteria...Ground water aquifer protection...**ISOLATION DISTANCE.** The isolation distance between the uppermost aquifer system and the bottom of the recompacted soil liner of a sanitary landfill facility is not less than fifteen feet of in-situ or added geologic material deemed acceptable by the director.

- Should the group incorporate guidance documents into this paragraph?
- Currently, the paragraph does not contain specifications for in-situ materials. Should the group incorporate minimum standards for the in-situ materials that are similar to the added geologic material standards?
- Currently, the paragraph specifies a 15 foot thickness. This thickness may be inappropriate (too thin or too thick). Should the group address this?
- Currently, the paragraph states the distance should be taken from the top of the aquifer system. It may be more appropriate to measure from a significant zone of saturation, water table, or potentiometric surface instead of the aquifer system. Should the group address this?
- Currently, the paragraph does not allow for "in-gradient" landfill design. This may be a more desirable approach. Should the group address this?
- This paragraph does not allow for engineering fixes, (ex. allow siting within 15 feet of the aquifer if the landfill is double lined). Should the group consider including language if an appropriate engineering solution exists?

OAC 3745-27-07(H)(3)(a) Additional criteria for approval...Siting criteria...Ground water setbacks...**FIVE YEAR TIME OF TRAVEL.** The sanitary landfill facility is not located within the surface and subsurface areas surrounding a public water supply well through which contaminants may move toward and may reach the public water supply well within a period of five years.

- Currently, the paragraph does not specify where the measurement is made from and where to. Should the group address this?
- Currently, the paragraph does not specify if the well in question is currently part of an active system. Should the group address this?
- Currently, the paragraph does not specifically mention ground water pathways. Surface water pathways could be part of the interpretation. Should the group address this?
- This paragraph does not specify a set back distance to public water supplies. Should the group create one?
- Currently, the paragraph does not protect endorsed well head protection areas. Should the group incorporate these areas into the paragraph?
- Currently, the paragraph does not protect wells that were proposed before the landfill application was submitted. Should the group address this situation?
- Currently, the paragraph does not specify what information is needed and how the "time of travel" calculation should be done. Should the group incorporate these specifications in the paragraph?
- Should the group include "unless deemed acceptable to the director" language in this paragraph?
- Instead of including "unless deemed acceptable to the director" language, should the group incorporate policies and guidances into this paragraph?
- Should we include a specific prohibition from locating a landfill facility within an endorsed wellhead protection field's 5-year time-of-travel boundary?

OAC 3745-27-07(H)(3)(b) Additional criteria for approval...Siting criteria...Ground water setbacks...**UNDERGROUND MINE**. The sanitary landfill facility is not located within an area of potential subsidence due to an underground mine in existence on the date of receipt of the permit to install application by the Ohio EPA.

- Currently, the paragraph does not address mine removal or stabilization. Should the group incorporate more flexibility into the paragraph to allow siting a landfill over these stabilized areas?
- This paragraph may be redundant with the Location Restriction Demonstrations for unstable areas. Should the group delete this criteria?
- Currently, the paragraph is a pure siting restriction. Often an engineering demonstration or solution can be presented that is feasible. Should the group incorporate criteria into this paragraph to allow engineering fixes?
- This paragraph only prohibits the landfill from being sited over pre-existing mines. It does not prohibit future mining activities under a landfill. Should the group broaden the scope of the paragraph to prohibit future mining?
- Currently, this paragraph does not require the applicant to control the mineral rights under the landfill. The coal rights under a landfill may be owned by someone other than the landfill operator. If, sometime in the future, that persons wishes to exercise their right, they may need to dig through the landfill. It is unlikely that the Director would authorize such activities. Issuance of the landfill's permit essentially denies the mineral right from their legal owner. Should the group require that, prior to construction of the landfill, the owner/operator must obtain all appropriate mineral right located beneath the facility?
- Should the group incorporate guidance documents into this paragraph?

OAC 3745-27-07(H)(3)(c) Additional criteria for approval...Siting criteria...Ground water setbacks...**ONE THOUSAND FEET FROM WATER SUPPLY WELL**. The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of a water supply well or a developed spring in existence on the date the permit to install application was received by the Ohio EPA, unless deemed acceptable by the director or any of the following conditions are met: (i) The water supply well or developed spring is controlled by the owner or operator of the sanitary landfill facility; and (a) The water supply well or developed spring is needed as a source of nonpotable water in order to meet the requirements of the approved permit; and (b) No other reasonable alternate water source is available; and (c) The water supply well or developed spring is constructed to prevent contamination of the ground water; or (ii) The water supply well or developed spring is at least five hundred feet hydrogeologically upgradient of the limits of solid waste placement of the sanitary landfill facility; or (iii) The water supply well or developed spring is separated from the limits of solid waste placement of the sanitary landfill facility by a hydrogeologic barrier; or (iv) The water supply well or developed spring was constructed and is used solely for monitoring ground water quality.

- Should the group incorporate guidance documents into this paragraph?
- There are no monitoring requirements for wells within 1,000 feet. Should the group develop some and incorporate into this paragraph?
- What documentation is required to establish presence of a well?
- Should the group define a well, improperly abandoned well, dug well, minimum yield?

- What if the aquifer system used by the well does not exist under the landfill? Should the group address this issue?
- What if the public water supply system for the area is not used for home water, just for yard.
- How do we know that the wells within 1,000 feet are constructed properly?
- Is the water potable or used for potable purposes? Should the group address this issue?

OAC 3745-27-07(H)(4)(a) Additional criteria for approval...Siting criteria...General setbacks...**ONE THOUSAND FEET FROM NATURAL AREAS.** Unless the permit to install application was received by the Ohio EPA prior to the effective date of this rule, the limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of the following, which are in existence on the date of receipt of the permit to install application by the Ohio EPA: (i) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state scenic river; or (ii) Areas designated, owned, and managed by the Ohio historical society as a nature preserve; or (iii) Areas designated by the United States department of the interior as either a national wildlife refuge or a national scenic river; or (iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest; or (v) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

- Is the setback distance appropriate (too small or too large)?
- Should a landfill be sited upstream of these areas?
- Should the rule apply to privately designated nature areas?
- Should we remove the language "...prior to the effective date of this rule"
- This rule appears to conflict with the "200 feet from surface water" criteria with respect to wetlands. Should the group address this?

OAC 3745-27-07(H)(4)(b) Additional criteria for approval...Siting criteria...General setbacks...**THREE HUNDRED FEET FROM PROPERTY LINE.** The limits of solid waste placement of the sanitary landfill facility are not located within three hundred feet of the sanitary landfill facility's property line, unless deemed acceptable by the director.

- Is the setback distance appropriate (too small or too large)?
- Do we want to keep the "deemed acceptable" language?
- Do we want to incorporate policies and guidances into rule?
- Should the rule apply to new and expansion units of cells only, and not old waste placement?

OAC 3745-27-07(H)(4)(c) Additional criteria for approval...Siting criteria...General setbacks...**ONE THOUSAND FEET FROM DOMICILE.** The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the sanitary landfill facility, in existence on the date of receipt of the permit to install application by the Ohio EPA, unless deemed acceptable by the director.

- How do we define a domicile? Must it be occupied?
- Is the setback distance appropriate (too small or too large)?
- Should we remove the "deemed acceptable" language?

- Should we incorporate policies and guidances into rule?
- Should we expand the scope of the rule to include all structures?
- Is this rule redundant with OAC Rule 3745-27-12?
- Should his rule apply to new and expansion areas only, and not the entire facility?

OAC 3745-27-07(H)(4)(d) Additional criteria for approval...Siting criteria...General setbacks...**TWO HUNDRED FEET FROM SURFACE WATERS.** The limits of solid waste placement of the sanitary landfill facility are not located within two hundred feet of a stream, lake, or wetland, unless deemed acceptable to the director.

- Is the setback distance appropriate (too small or too large)?
- What is the definition of "surface water" (i.e. streams and lakes, does it depend on the seasonal water level?)
- Should we incorporate policies and guidances into rule?
- This rule appears to conflict with the "1,000 feet from natural areas" criteria with respect to wetlands.
- Which definition of wetland do we use?

OAC 3745-27-06(C)(2)(b) Permit to install application...The following report shall be presented...**A HYDROGEOLOGIC SITE INVESTIGATION REPORT**, which shall at a minimum include: A description, based on publicly available information, of the regional hydrogeology of the proposed sanitary landfill facility. This shall include, but may not be limited to: (i) The identification of the regional aquifer(s); and (ii) The well logs of public and private water supply wells within one mile of the proposed sanitary landfill facility; and (iii) The average yield of water supply wells within one mile of the sanitary landfill facility; and (iv) The direction of ground water flow in the regional aquifer(s); and (v) The identification of recharge and discharge areas of the regional aquifer(s); and (vi) The identification of any public water supply wells within ten miles of the sanitary landfill facility; and (vii) Regional stratigraphy; and (viii) The structural geology, including a description of local and regional structural features; and (ix) A description of the regional geomorphology, including the location of surface water bodies, floodplains, etc. this description shall include an analysis of any topographic features that may influence the ground water flow system; and

- Should we require information on "endorsed well head protection areas" to be submitted with the permit application?
- Should we require that wells within one mile of the facility be identified on a map?
- Should we define the effort level needed to gather publicly available information?
- Should we define "publicly available"?
- Should the word "facility" be replaced with "limits of waste placement"?
- How does someone calculate "average yield" for regional aquifers?
- Is one mile an appropriate distance for distance to a water supply well (too small or too large)?
- Is ten miles an appropriate distance for distance to a public water supply well (too small or too large)?
- Is it necessary to submit well logs with the permit application?
- How does someone demonstrate ground water flow direction in a regional aquifer?

- Should the Ohio EPA require "fence diagrams" to be submitted as part of the hydrogeologic report?

GENERAL INFORMATION THAT MAY BE NEEDED IN THE PERMIT APPLICATION TO PROPERLY REVIEW THE SITING CRITERIA AND HOW THEY APPLY TO THE PROPOSED FACILITY.

- A map should be submitted that certifies that the facility is not located within a sand/gravel pit or a limestone/sandstone quarry.
- A map should be submitted that certifies that the facility is not located above a sole source aquifer.
- OAC 3745-27-07(H)(3)(a) Five year time of travel.
 - The location of public water supply wells within 10 miles on a map. Is 10 miles appropriate?
 - Map showing off-site ground water flow patterns
 - Description of any well fields (i.e. pump rates, number of wells, well logs, well construction).
- OAC 3745-27-07(H)(3)(b) Underground mines
 - Potential seismic work (i.e. geophysical work) may be necessary.
 - Calculate the area of potential subsidence due to underground mines not just the edge of the mine.
- OAC 3745-27-07(H)(3)(c) 1,000 feet from a water supply well. Information on the well logs and construction of the wells should be submitted.
- OAC 3745-27-06(C)(2)(c)(iv)(d) "a description of the uppermost aquifer system...including...a quantification of vertical and horizontal hydraulic conductivity...using three measurements per strata." This rule is not in the industrial solid waste rules. None of the rules specify "in-situ."
- OAC 3745-27-07(H)(2)(d) 100 g.p.m. aquifer.
 - A ground water resource map should be submitted.
 - Specifications and procedures for pump testing should be developed.
 - What is the criteria for requiring a pump test?
 - Should we require site specific geology below the uppermost aquifer system if a 100 g.p.m. aquifer exists below the uppermost aquifer system.
- Should the Ohio EPA define "demonstration" in OAC 3745-27-06(C)(1)?
- Is OAC 3745-27-06(C)(1) redundant with another rule?
- Should we require the applicant to submit an "official" public water supply well list within a distance. If so, what distance should we specify (ex. 10 miles).
- Should we require angle borings

ISSUES RELATING TO HOW THE SITING CRITERIA MAY AFFECT DEFINITIONS AND OTHER PROPOSED CHANGES. THE FOLLOWING DEFINITIONS APPEAR ONLY ONCE OR NOT AT ALL IN THE RULES:

- "Developed spring" appears only in Rule -07

- "Limestone/sandstone quarry" appears only in Rule -07
- "Sand and gravel pit" appears only in Rule -07
- "Regional aquifer" appears only in Rule -06
- "Public well field" is never used in any rule.
- The term "aquifer" should be replaced with "aquifer system"
- Remove the definition of "aquifer" because "aquifer system" is already defined.

OTHER ISSUES.

- Should the group include a floodplain prohibition into the industrial solid waste siting criteria?
- Should the Ohio EPA prohibit vertical expansions over portions of a landfill that do NOT meet Ohio's or Federal Subtitle D's bottom liner requirements?
- Should the Ohio EPA begin the transition from English units to the SI system of units?
Currently the rules mix the two systems?

4. PROPOSED BOUNDARIES FOR REVIEW

Rules the siting workgroup is required to review.

- OAC 3745-27-07(H); Municipal Solid Waste Siting Criteria
- OAC 3745-29-07(H); Industrial Solid Waste Siting Criteria
- OAC 3745-30-06(B); Residual Solid Waste Siting Criteria
- OAC 3745-27-71(H); Scrap Tire Monofill Siting Criteria
- OAC 3745-27-06(C)(2); Municipal Solid Waste Hydrogeological Report
- OAC 3745-29-06(C)(2); Industrial Solid Waste Hydrogeological Report
- OAC 3745-30-05(C)(3); Residual Solid Waste Hydrogeological Report

Specific boundaries that the siting workgroup must observe.

- The workgroup cannot remove OAC 3745-27-20 (MSW - Location Restriction Demonstrations), but the group may alter it with input from U.S. EPA
- The workgroup cannot propose changes that conflict with or supersede Ohio's Revised Code or the Federal rules.
- The workgroup cannot propose changes to the definitions at this time. We can offer suggestions to the H.B. 473 Definitions Workgroup when those rules are reviewed in year 5.

Proposed Milestone Goals

STEP	MILESTONE	DATE
1	Scoping Report to Rules Committee	January 30, 1998
2	Scoping Report to Interested Parties for Comment	March 2, 1998
3	Concept Paper to Rules Committee	July 31, 1998
4	Concept Papers to Interested Parties for Comment	September 2, 1998
5	DRAFT Rules to Rules Committee	December 1, 1998
6	DRAFT Rules to Interested Parties for Comment	December 31, 1998
7	Responsiveness Summary to Rules Committee	March 31, 1999
8	Revised DRAFT Rules to Rules Coordinator	June 3, 1999
9	Revised DRAFT Package to Director	June 17, 1999
10	Revised DRAFT Package to State Printing	July 19, 1999
11	Revised DRAFT Package to Mass Mailing	August 18, 1999
12	Revised DRAFT Package to JCARR	September 2, 1999
13	JCARR Hearings Complete	January 1, 2000
14	Complete Responsiveness Summary	March 6, 2000
15	FINAL Rule Package to Director	April 5, 2000
16	FINAL Rule Package to Mass Mailing	June 6, 2000
17	FINAL Rule Package Files with JCARR	June 6, 2000
18	Complete Necessary Training	September 4, 2000